

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FRANCISCA MORALEZ,
Plaintiff,

v.

ROBEHEBA TEHRANI, et al.,
Defendants.

Case No. 16-cv-00665-EDL

**ORDER DISCHARGING ORDER TO
SHOW CAUSE; ALLOWING
ADDITIONAL TIME FOR SERVICE
AND JOINT SITE INSPECTION**

Re: Dkt. No. 11

On February 9, 2016, pro se Plaintiff filed a complaint against Defendants Robeheba Tehrani (dba Sinclair Gas, Lone Tree Service, Lone Tree Gas & Food) and Real Holdings, Inc. alleging violation of the Americans With Disabilities Act and related statutes. Plaintiff consented to this Court's jurisdiction. The Court issued a summons as to both Defendants on February 9. On March 15, Plaintiff filed a notice with the Court stating that the address for one of the Defendants was incorrect on the original summons and the Clerk of Court issued an amended summons for Real Holdings, Inc. on March 15 and an amended summons as to both Defendants on April 1.

As of June 2, 2016, there had been no showing that Plaintiff served either Defendant with the summons and complaint in this case in accordance with 90-day deadline set out in Federal Rule of Civil Procedure 4(m). When the time to serve has expired, the Court "must dismiss the action without prejudice . . . or order that service be made within a specified time." See Fed. R.Civ. P. 4(m). The Court therefore issued an Order to Show Cause by no later than June 14 why the case should not be dismissed without prejudice for failure to serve, or why more time for service should be allowed.

Plaintiff timely responded to the Order to Show Cause, and attached: (1) a Proof of Service indicating that Defendant Tehrani was served on April 26, 2016, and (2) a "Non Service Report" indicating that Real Holdings Inc. has not been served because the address provided to the process

server was incorrect. In the response, Plaintiff also stated an intent to file an amended complaint adding new defendants, and requested an additional 30 days to serve these defendants.

The Order to Show Cause is discharged. Any amended complaint must be filed within 14 days of the date of this Order. Plaintiff must serve any amended complaint on all defendants within 30 days of filing. If Plaintiff does not timely file an amended complaint, then Plaintiff shall request entry of default as to Defendant Tehrani within 14 days of the date of this Order and the complaint as to Real Holdings Inc. will be dismissed for failure to serve. Plaintiff's request for a continuance of the deadline to conduct a joint site inspection is granted, and the joint site inspection shall take place within 90 days of the date of this Order.

IT IS SO ORDERED.

Dated: June 13, 2016


ELIZABETH D. LAPORTE
United States Magistrate Judge